

REMARKS

The Official Action dated November 29, 2006, has been carefully considered. Consideration of the changes and remarks presented herein and reconsideration of the rejections are respectfully requested. By the present amendment, claims 1, 8, 9 and 36 have been amended. Support for the amendments can be found in the specification, claims and drawings as originally filed (for example, see Figs. 9-12). It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested. Accordingly, claims 1-22 and 36-38 stand pending in this application. Claims 2-7 and 10-22 have been withdrawn from further consideration as being drawn to nonelected species, therefore, only claims 1, 8, 9 and 36-38 are currently under consideration. However, once claim 1 has been allowed, Applicants request rejoinder of dependent claims 2-7 and 10-22. As set forth below, it is believed that the claims 1, 8, 9 and 36-38 are in condition for allowance.

In the Official Action, claims 1, 8, 9 and 36-38 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the amendments to independent claims 1 and 36, Applicants believe that the rejection of claims 1, 8, 9 and 36-38 under 35 U.S.C. § 112 has been overcome and respectfully request reconsideration.

Claim 1 was rejected under 35 U.S.C. § 102 as being anticipated by Strobl (U.S. Patent No. 1,267,475). The Examiner asserts that Strobl discloses a holder (10), a removable burn control cover (3b) and a fitment (lower portion of cover 8).

However, as will be set forth in detail below, it is submitted that the candle containers defined by claim 1, from which claims 8 and 9 depend, are not anticipated by and are patentably distinguishable over Strobl. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Strobl generally discloses burners or devices for burning solid hydrocarbon fuel such as solid alcohol (p. 1, lines 9-11). Rejection for anticipation or lack of novelty requires, as the first step in the query, that all elements of the claimed invention be described in single reference. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), *cert. denied*, 493 U.S.P.Q.853 (1989). As recited in the present application, independent claim 1 recites a candle container having a fitment positioned between the lower ring of the burn control cover and the top rim edge of the holder such that the fitment contacts a portion of the lower ring and a portion of the top rim edge, wherein the fitment is configured to seal the candle container between the holder with the burn control cover. Strobl does not teach any such fitment because the cover (8) disclosed in Strobl is not positioned between the lower ring of the burn control cover and the top rim edge of the holder such that the fitment contacts a portion of the lower ring and a portion of the top rim edge. Rather, the cover (8) disclosed in Strobl is not positioned between the two edges of the chimney (3) and the casing (10), nor does the cover (8) contact a portion of the top rim edge or the lower ring as recited in independent claim 1.

Therefore, Strobl fails to teach the candle containers as recited in independent claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of claim 1, and all claims which are dependent therefrom.

Claims 36-38 was rejected under 35 U.S.C. § 102 as being anticipated by Ramsey (U.S. Patent No. 1,705,877). The Examiner asserts that Ramsey discloses a glass holder (1) with a top rim (at 2) and a burn control cover (3,10) having a top surface with an exhaust hole formed therein, with a rim (at 2) extending along the circumference of the burn control cover.

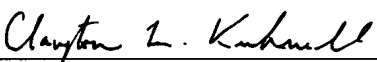
However, as will be set forth in detail below, it is submitted that the candle containers defined by independent claim 36, from which claims 37-38 depend, are not anticipated by and

are patentably distinguishable over Ramsey. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Ramsey generally discloses a lantern utilizing a fruit jar or the like in which a candle or fuel oil container is placed (p. 1, lines 3-6). Again, as noted above, rejection for anticipation or lack of novelty requires, as the first step in the query, that all elements of the claimed invention be described in single reference. As recited in the present application, independent claim 36 recites a candle container having a burn control cover which includes a lower rim edge, wherein the lower rim edge of the burn control cover includes peaks and troughs defining air intake vents between the burn control cover and the holder. Ramsey does not teach any such burn control cover having a lower rim edge which includes peaks and troughs defining air intake vents between the burn control cover and the holder. Rather, the openings (9) in Ramsey are part of the lower ring (3) or of the holder, but not part of the lower rim edge as is presently claimed. Thus, Ramsey fails to teach the candle containers as recited in independent claim 36. Accordingly, Applicants respectfully request reconsideration and allowance of claim 36, and all claims which are dependent therefrom.

It is believed that the above amendments and remarks represent a complete response to the Examiner's rejections under 35 U.S.C. §§ 102 and 112, second paragraph, and as such, place the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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